

BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes

November 6, 2003

A meeting of the Board of Environmental Protection was held on Thursday, November 6, 2003, at the Holiday Inn / Ground Round facility in Augusta, Maine. Richard Wardwell, Chair, called the meeting to order at 12:30 p.m. with the following individuals present:

Board: Ernest Hilton, Katharine Littlefield, Virginia Plummer, Nancy Anderson, Matt Scott, Irving Faunce, Richard Wardwell and Nancy Ziegler

Absent: Jean T. Wilkinson
Note: There is one vacancy.

<u>Staff:</u>	<u>Bureau of Land and Water Quality</u>	Dawn Hallowell
	<u>Bureau of Land and Water Quality</u>	Linda Kokemuller

Others: Deb Garrett, Acting Deputy Commissioner
Carol Blasi, Assistant Attorney General
Cynthia Bertocci, Executive Analyst
Terry Hanson, Administrative Assistant

(Meeting adjourned at approximately 2:15 p.m.)
(Board departed at approximately 2:30 to conduct a site visit)

I. DEPARTMENTAL

A. COMMISSIONER'S CORNER: Acting Deputy Commissioner Garrett reported the following:

Maine Greenhouse Gas Action Plan Initiative: Today marks the first meeting of the Maine Greenhouse Action Plan group. The work group is required to report to the Legislature by July 2004. The Department is currently constructing a web site so that members of the public may follow the group's progress.

Air Toxics Advisory Committee: November 7th is the date of the first meeting of the Air Toxics Advisory Committee. The Committee, with funding from EPA, will prioritize toxics that Maine citizens are exposed to and develop an action plan to address those toxics.

Step-Up Program: The Governor will be announcing that four more groups are joining the Step-Up Program; bringing the number of participating entities to 11.. This recent group includes the first educational institution to join, College of the Atlantic. Others joining the program are Fairchild Semiconductor, CYRO Industries and Naturally Potatoes.

Deputy Commissioner: Commissioner Gallagher announced the appointment of David Littell as the Department's Deputy Commissioner. Mr. Littell is currently an attorney with Pierce Atwood and has 11 years of experience dealing with environmental issues. It is anticipated that Mr. Littell will assume the duties of the Deputy Commissioner in December.

B. CHAIRMAN'S COMMENTS: None

C. EXECUTIVE ANALYST COMMENTS: None

D. BOARD CALENDAR: Reviewed - note that the January 1, 2004 meeting is cancelled.

E. DEPARTMENTAL ORDERS: Reviewed

F. EXECUTIVE SESSION: None

II. CONSENT AGENDA ITEMS

The Board voted (6-0-2-1) on a motion to approve consent agenda items 1, 2, 3, and 4 with minor typographical changes. *Board members Nancy C. Anderson and Matt Scott recused.*

1. MINUTES BEP Meeting of January 16, 2003 (approval)
2. MINUTES BEP Meeting of September 4, 2003 (approval)
3. MINUTES BEP Meeting of September 18, 2003 (approval)
4. MINUTES BEP Meeting of October 2, 2003 (approval)

The Board voted (6-2-0-1) on a motion to table action on consent agenda items 7 and 9 until the November 20th regular meeting to allow staff to respond to questions related to the penalty. *Board members Virginia Plummer and Richard Wardwell voted opposed.*

7. MICHAEL MINARDI and BARBARA MINARDI, Rome - Administrative Consent Agreement and Enforcement Order (BLWQ-Land)
9. FRANKLIN LIGHT PRESERVATION, INC., Friendship – Administrative Consent Agreement and Enforcement Order (BLWQ-Land)

The Board voted (8-0-0-1) to approve consent agenda items 5, 6, 8, 10, and 11 as presented.

5. LEIGHTON EXCAVATING COMPANY, Waterboro - Administrative Consent Agreement and Enforcement Order (BLWQ-Land)
6. NANCY FIELD and BETHANY LAWRENCE, So. Portland – Administrative Consent Agreement (BLWQ-Land)
8. STILLWATER REALTY, L.L.C., Bangor – Administrative Consent Agreement and Enforcement Order (BLWQ-Land)
10. GEORGE COUTURE, Bowdoin – Administrative Consent Agreement (BLWQ-Land)
11. KONRAD ULBRICH and ST. GEORGE MARINE CORPORATION, St. George – Administrative Consent Agreement (BLWQ – Land)

III. Regular Agenda

1. DEPT. OF INLAND FISHERIES & WILDLIFE / Mere Point Public Boat Ramp Project (petition to intervene)

The Board voted (6-2-0-1) on a motion to grant intervenor status to (a) Town of Brunswick, (b) Friends of Mere Point, (c) Coastal Conservation Association, and (d) RTI petitioners, Catherine T. Anderson, Thomas W. Anderson, Marcia W. Brunell Trust, Estate of Timothy B. Holland, Irene E.G. Studwell, Thomas W. Studwell and Birch Island Corporation. RTI petitioners' intervenor status is limited to submitting written legal argumentation and supporting documentation regarding the matter of title, right or interest. The Board directed Department staff to modify the Second Procedural order to include language that would grant the RTI intervenor the ability to present oral arguments on the issue of RTI at the discretion of the Board following the filing of briefs.

Board members Ernest Hilton, Nancy Anderson, Virginia Plummer, Richard Wardwell, Nancy Ziegler and Matt Scott voted to support the motion. Board members Irving Faunce and Katharine Littlefield voted opposed. Board member Jean T. Wilkinson was absent. There is one vacancy.

The vote was taken pursuant to 38 M.R.S.A. Section 420-D and Section 480-A et. seq., 06/096 CMR Chapters 2 and 30. Staff member: Dawn Hallowell, Bureau of Land and Water Quality.

THE BOARD CONDUCTED A PUBLIC HEARING AT 1:30 P.M.

Chapter 153, Mobile Equipment Repair and Refinishing / New

Note: At the conclusion of the public hearing, the Board departed to conduct a site visit of the proposed Mere Point public boat ramp project.